(1) SINGLE BENCH

4 CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) NO. 413 OF 2007

Petitioner

Ramlal Martand, S/o Shri Banwali Martand, aged about 44 years, presently working as Assistant Village Panchayat Officer, Village Panchayat - Godhi, Janpad Panchayat - Korba, Distt. Korba (Chhattisgarh)

Versus

Respondents

1. State of Chhattisgarh through the Secretary, Department of Panchayat & Rural Development, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. The Comissioner, Panchayat & Social Welfare, D.K.S. Bhawan, Raipur (Chhattisgarh)

3. The Chief Executive Officer, Jila Panchayat - Korba, Distt. Korba (Chhattisgarh)

4. The Dy. Director, Panchayat & Social Welfare, Korba (Chhattisgarh)

5. The Chief Executive Officer, Janpad Panchayat - Korba, Distt. Korba (Chhattisgarh)

6. Dube Chandra Daharia, S/o ~~Shri~~ Member, Janpad Panchayat, Korba, Distt. Korba (Chhattisgarh

P.R. No. 401/07 Presented by Shri Mafooja Alam dated 11/1/07

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WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: **Hon'ble Shri Satish K. Agnihotri, J.**

W. P. (S) No. 413 of 2007

Petitioner : Ramlal Martand

Versus

Respondent : State of Chhattisgarh & others

Shri Ratnesh Kumar Agrawal, Advocate for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the respondents No. 1, 2 and 4.

None for the respondents No. 3, 5 and 6.

ORDER

(Passed on this 23rd day of January, 2007)

1. By this petition, the petitioner has challenged the impugned suspension order dated 5.12.2006 (Annexure P/1). The petitioner was working as Assistant Village Panchayat Officer at village Panchayat – Godhi when the impugned suspension order was passed.

2. On perusal of the suspension order, it appears that the petitioner has been put under suspension on account of alleged irregularities committed by him while working as Assistant Gram Panchayat Officer at village – Godhi. Under Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short 'the Rules, 1966') any employee can be suspended where the disciplinary proceeding against him is contemplated or is pending. Looking to the charges stated in the suspension order it is clear that a disciplinary proceeding is contemplated against the petitioner.

3. The petitioner, without waiting for the charge sheet, as required in sub-rule (2) of Rule 9 of the Rules, 1966, straightaway has come to this Court. The petition is premature and at this stage the same cannot be entertained.

4. It is well settled principle of law that the suspension is temporary and it does not involve punishment with civil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. The employee under suspension continues to be a Government Servant, he is not permitted to work keeping in view pendency of departmental enquiry to avoid undue influence in the proceedings of departmental enquiry and likely tampering with on records.

5. The petition is accordingly dismissed summarily. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur